Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of	)	
	)	
IP-Enabled Services	)	WC Docket No. 04-36
	)	
E911 Requirements for IP-Enabled Service Providers	)	WC Docket No. 05-196
	)	

COMMENTS OF SBC COMMUNICATIONS INC.

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I. INTRODUCTION AND SUMMARY

SBC Communications, Inc. (SBC) respectfully submits the following comments in response to the notice of proposed rulemaking portion of the Commission's *VoIP 911 Order*.[1] SBC firmly supports the Commission's goal of ensuring that interconnected VoIP services are offered with 911 capability.[2] SBC has a long history of providing 911 services on a retail basis to our own subscribers, on a wholesale basis to other service providers, and as a vendor to the various public safety authorities that respond to 911 calls. We look forward to continuing to provide 911 services in the increasingly Internet Protocol-based communications environment of the future.

Although SBC stands behind the Commission's VoIP 911 efforts, we encourage the Commission to give the communications industry and the public safety community sufficient time to implement the new rules adopted in the *VoIP 911 Order* before establishing additional 911 requirements for VoIP services. As the Commission itself acknowledged, the 120-day implementation deadline is an "aggressively short" timeframe for implementing the VoIP 911 rules.[3] While SBC is fully prepared to meet that deadline, we believe that the imposition of new 911 requirements could divert resources away from substantial industry-wide efforts already underway to ensure VoIP 911 compliance. Thus, before deciding whether additional VoIP 911 requirements are warranted, SBC urges the Commission to closely monitor the implementation of its current VoIP 911 rules and to provide timely responses to interested parties seeking guidance on the applicability of those rules.

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[1] *E911 Requirements for IP-Enabled Service Providers*, WC Docket No. 05-196, First Report and Order and Notice of Proposed Rulemaking, FCC 05-116 (released June 3, 2005) (*VoIP 911 Order*).

[2] Throughout these comments we use the term 911 generically to encompass both 911 and E911 capability, unless otherwise indicated.

[3] *VoIP 911 Order* ¶ 37.

II. DISCUSSION

A. SBC Supports the Commission's Efforts to Ensure that Interconnected VoIP Services Offer 911 Capability.

In requiring providers of interconnected VoIP services to offer 911 capability, the Commission stated that it was following through on its Congressionally-mandated obligation to facilitate public safety through the use of communications services.[4] As the Commission explained, "promoting an effective nationwide 911/E911 emergency access system has become one of the Commission's primary public safety responsibilities under the Act."[5] According to the Commission, the *VoIP 911 Order* was an extension of its "longstanding and continuing commitment to a nationwide communications system that promotes the safety and welfare of all Americans."[6]

SBC shares this same commitment to public safety. SBC has a long history of providing a variety of 911 services. We provide 911 services to millions of end-user customers who subscribe to our telephony services and other products. SBC also provides wholesale 911 services to competitive carriers, wireless carriers and VoIP providers, who incorporate these 911 services into the communications services they offer to their own customers. Finally, we provide 911 services to the public safety authorities in our territory who operate the public safety answering points (PSAPs) that facilitate the deployment of emergency services (police, fire, ambulance, etc.). In short, SBC is fully committed to ensuring that 911 services are provided in a reliable, secure fashion that serves the interests of *all* public safety stakeholders -- both today

[4] *VoIP 911 Order* ¶ 29.

[5] *VoIP 911 Order* ¶ 29.

[6] *VoIP 911 Order* ¶ 5.

and in the increasingly IP-based environment of the future. It is in this spirit of serving the interests of all stakeholders that we submit the following comments.

B. The Commission Should Closely Monitor the Implementation of Its Existing VoIP 911 Rules Before Imposing Additional Requirements on the Communications Industry.

In the *VoIP 911 Order*, the Commission seeks general comment on "additional steps" it can take to ensure that VoIP providers offer 911 service.[7] The Commission further asks whether it should "expand the scope and requirements of this Order."[8] While SBC strongly supports making 911 capabilities available with VoIP services,[9] we believe as a general matter that the Commission should allow the communications industry sufficient time to implement the Commission's newly adopted VoIP 911 requirements before imposing additional requirements.

The Commission itself has acknowledged that "certain VoIP services pose significant E911 implementation challenges."[10] The Commission also forthrightly admitted that the 120-day implementation deadline specified in the *VoIP 911 Order* "is an aggressively short amount of time in which to comply with these requirements."[11] In light of these challenges, the Commission will be in a far better position to judge the need for additional rules *after* it has witnessed the industry's performance in complying with the initial VoIP 911 rules. Indeed, the experience gained by the industry from attempting to implement the existing VoIP 911 requirements within the 120-deadline should provide the Commission with valuable knowledge

[7] *VoIP 911 Order* ¶ 56.

[8] *VoIP 911 Order* ¶ 56.

[9] *See* SBC Comments, WC Docket No. 04-36, at 101 (May 28, 2004) (advocating that 911 obligations should apply to IP-enabled voice services that interconnect with the PSTN). *See also* SBC Reply Comments, WC Docket No. 04-36, at 64 (July 14, 2004) (same).

[10] *VoIP 911 Order* ¶ 25.

[11] *VoIP 911 Order* ¶ 37.

about which solutions work well and which are in need of improvement. Only after evaluating that practical experience will the Commission be able to accurately assess whether further requirements are necessary.

Moreover, the imposition of additional VoIP 911 requirements in the short term would likely require service providers to divert resources away from meeting current VoIP 911 requirements and could jeopardize their ability to meet the Commission's implementation deadline. For example, notwithstanding the challenges of the Commission's VoIP 911 requirements, SBC has devoted significant resources to ensuring that those requirements are met – both as a provider of VoIP services and as a supplier of 911 services to other service providers. SBC stands ready to provision 911 services to requesting service providers well in advance of the implementation deadline, provided that those services are requested from SBC in a timely manner. It would be counterproductive for the Commission to impose additional VoIP 911 requirements in the near term that could undermine the ability of SBC (or any other provider) to provision the 911 services necessary for VoIP providers to meet the Commission's existing rules. Thus, rather than rushing ahead to adopt additional VoIP 911 rules, the Commission can best serve the public interest by closely monitoring the industry's progress in implementing the existing VoIP 911 rules and by providing timely responses to any requests for guidance regarding those rules.

C. The Commission Generally Should Not Expand the Scope of Services Covered by Its VoIP 911 Rules at This Time.

The Commission's VoIP 911 rules currently apply to interconnected VoIP services, which the Commission defined as VoIP services that enable callers to both send calls to the PSTN and receive calls from the PSTN.[12] The Commission asks, however, whether the rules

[12] 47 C.F.R. § 9.3; *VoIP 911 Order* ¶ 58.

should be extended to other VoIP services, such as those that are not fully interconnected with the PSTN.[13] SBC generally does not believe the Commission should expand the scope of services subject to its VoIP 911 rules at this time.

In deciding which services should be subject to its VoIP 911 rules, the Commission examined the expectations that a consumer would have when using certain communications services. The Commission found that if a service "enables a customer to do everything (or nearly everything) the customer could do using an analog telephone," the customer has a reasonable expectation that the service will also provide 911 capability.[14] The Commission then attempted to translate its understanding of consumer expectations into a functional definition that would circumscribe those VoIP services subject to 911 obligations. Specifically, the Commission declared that VoIP services that allow customers to receive calls from the PSTN *and* send calls to the PSTN – so called "interconnected VoIP services" – would be subject to the Commission's VoIP 911 rules.[15]

The VoIP 911 rules clearly apply to the bring-your-own-broadband VoIP services offered by providers like Vonage, as well as the VoIP services offered by cable companies and others that are provided together with a broadband transmission component from the service provider.[16]

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[13] *VoIP 911 Order* ¶ 58.

[14] *VoIP 911 Order* ¶ 23.

[15] *VoIP 911 Order* ¶ 24. *See also* 47 C.F.R. § 9.3 ("An interconnected Voice over Internet protocol (VoIP) service is a service that: (1) enables real-time, two-way voice communications; (2) requires a broadband connection from the user's location; (3) requires Internet protocol-compatible customer premises equipment (CPE); and (4) permits users generally to receive calls that originate on the public switched telephone network and to terminate calls to the public switched telephone network.").

[16] *VoIP 911 Order* ¶ 24 n.78 ("the E911 requirements we impose in this Order apply to all VoIP services that are encompassed within the scope of the *Vonage Order*).

By crafting its rules this way, the Commission's decision to impose 911 obligations on "interconnected VoIP services" appears to have largely hit the mark in addressing consumers' 911 expectations. Indeed, the three widely reported incidents of VoIP 911 failure, which were described by witnesses at the Commission's May 19, 2005 agenda meeting, all involved residential consumers who purchased VoIP service from Vonage as a replacement for their traditional telephone service.[17] These consumers all had expectations that their VoIP services would provide traditional 911 capabilities – expectations that were not met by Vonage's then-existing VoIP service. By adopting rules that specifically cover "interconnected VoIP services," which include the services offered by Vonage and other providers,[18] the Commission has largely closed the gap between consumer's expectations and the actual 911 capabilities offered by VoIP providers. Thus, expanding the scope of VoIP services subject to the Commission's rules is generally unnecessary at this time.

D. The Commission Should Encourage the Development of Automatic Location Identification Technologies, But Should Not Mandate the Adoption of Any Particular Technology at this Time.

In the *VoIP 911 Order*, the Commission correctly observes that there is no currently available technology that allows the provider of a portable VoIP service to reliably and automatically obtain the location of its end user (i.e., without the end user's active input).[19] The Commission then asks what it can do to facilitate the availability of such automatic location identification technology. The Commission further asks whether it should mandate that all

[17] *See* http://www.fcc.gov/realaudio/mt051905.ram (audio/video recording of Commission agenda meeting on May, 19, 2005).

[18] *See supra* note 16.

[19] *VoIP 911 Order* ¶ 57.

equipment used in the provision of interconnected VoIP services must be capable of providing location information automatically as of June 1, 2006.[20]

As the Commission is aware, the communications industry is already hard at work in attempting to develop automatic location identification technologies that will improve the 911 capabilities of VoIP services. Under the auspices of the National Emergency Number Association (NENA), ILECs, CLECs, wireless providers, VoIP providers, and equipment vendors together with public safety authorities and other government officials have been working diligently to address the challenges of implementing 911 automatic location identification solutions for VoIP services. In response to the *VoIP 911 Order*, NENA issued a "statement of the activities NENA intends to pursue over the coming weeks and months to ensure collaboration and cooperation among all affected parties."[21] Among other things, NENA intends to provide a forum for effective dialogue among 911 stakeholders and play a leadership role in establishing acceptable technical requirements for implementing 911 solutions.[22] NENA also stated that it intends to publish its Migratory I2 standard for 911 VoIP capability in the near future,[23] which is being designed to "accommodate[] both stationary and nomadic users."[24]

While NENA's leadership has been significant, it is by no means the only organization working towards technical solutions for VoIP 911 capability. The Alliance for Telecommunications Industry Solutions (ATIS) has also devoted significant resources to this

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[20] *VoIP 911 Order* ¶ 57.

[21] *See* NENA VoIP Activity Statement of Intent at http://www.nena.org/VoIP_IP/VoIP%20Statement%20of%20Intent%206.20.05.pdf

[22] *Id.*

[23] *Id.*

[24] *See* Future Steps for the Evolution of E9-1-1: Immediate, Migratory, Long Term NG9-1-1 at http://www.nena.org/VoIP_IP/I_short_descriptions%20for%20web1.pdf

efforts. ATIS's Emergency Services Interconnection Forum (ESIF) has a committee devoted to working with NENA to develop technical standards for VoIP 911.[25] In addition, a group of research universities and technology companies working with the Internet2 consortium, NENA and others are developing next-generation, long-term IP-based 911 solutions for nomadic and mobile VoIP services "to seamlessly provid[e] dispatchers accurate location information for 911 users."[26]

In light of the considerable efforts already underway to develop automatic location identification technologies for VoIP 911 purposes, the Commission can best serve the public interest by playing a leadership role in encouraging these industry-driven efforts. The Commission should hold forums, sponsor workshops, and generally exercise its ability to focus industry attention on working through the technological challenges to automatically identifying a VoIP end user's location for 911 purposes. But while Commission leadership can prove useful, the Commission must recognize that a true automatic location identification solution for VoIP 911 must ultimately come from the communications industry's myriad technical experts who are working to address this issue.

Although the Commission has identified some potential technologies that *may* prove useful,[27] the Commission should exercise caution in mandating the uniform adoption of a particular technology by a specific date. Indeed, the *VoIP 911 Order* does not even attempt to explain how these technologies work or the manner in which they could be used for VoIP 911

[25] ATIS Responds to VoIP Challenges in Reaching 911: Launches New Committee to Develop Technical Solutions for IP Based Systems, ATIS News Release (Feb. 2, 2004).

[26] Leading Research Universities and Technology Companies Showcase First Next-Generation IP-Based Emergency 911 Solution, Internet2 Press Release (May 26, 2005).

[27] *VoIP 911 Order* ¶ 57 (seeking comment on "the use of an access jack inventory; a wireless access point inventory; access point mapping and triangulation; HDTV signal triangulation; and various GPS-based solutions.").

purposes. Rather, the Commission simply repeats the names of technologies from a bullet-point list in an Intrado *ex parte* filing, which itself offered no details about how these technologies might be used.[28]

It would be a serious mistake for the Commission to *require* the adoption of a single automatic location identification technology for all VoIP services before industry experts have had an opportunity to fully vet that technology. As Commissioner Abernathy pointed out at NENA's recent VoIP 911 conference, "There is a big difference between a requirement that E911 *be offered* and a requirement that it be offered *in a particular manner*. . . . The latter would remove any opportunity for providers to make their offerings more efficient, or more responsive to consumer needs. My fellow Commissioners and I are not engineers. We are ill-equipped to develop or impose particular technical solutions."[29] SBC agrees and cautions the Commission against adopting such technical mandates.

We similarly caution the Commission against imposing an artificial deadline (June 1, 2006, as suggested in the *VoIP 911 Order*) for the deployment of automatic location identification technology for VoIP services. Such a deadline would force providers to pick whichever automatic location identification technology is available now and spend significant time and money to deploy it in order to avoid enforcement action, regardless of how well it actually works or whether other, better technologies are on the horizon. Thus, the result may, as Commissioner Abernathy feared, "skew research and development efforts, stunting the growth of . . . more advanced applications."[30] Instead of picking a technology and setting a deadline for its

[28] *Id*. (citing Intrado April 19, 2005 *Ex Parte* Letter, Attachment at 14).

[29] *Remarks of FCC Commissioner Kathleen Q. Abernathy*, VON Coalition/NENA Provider Summit, Washington, DC, at 2-3 (July 7, 2005) (emphasis in original) (*Commissioner Abernathy NENA VoIP 911 Remarks*).

[30] *Commissioner Abernathy NENA VoIP 911 Remarks* at 4.

adoption, the Commission can be far more effective in promoting the development of automatic location identification technologies -- and in satisfying its statutory obligations to enhance public safety -- by overseeing industry efforts to develop those technologies through an active dialogue with all VoIP 911 stakeholders.

E. The Commission Should Monitor Industry Implementation Efforts Before Deciding Whether Performance Standards Are Necessary.

In the *VoIP 911 Order*, the Commission required providers of portable interconnected VoIP services to enable their end users to update their registered location information.[31] The Commission observed, however, that in some circumstances it may take VoIP providers between 24 and 120 hours to process and effectuate such updates.[32] In light of this interval, the Commission sought comment on whether it should mandate performance standards "regarding the length of time between when an end user updates Registered Location information and when the service provider takes the actions necessary to enable E911 from the new location."[33]

While the Commission should keep a watchful eye on the speed with which VoIP providers update end users' registered location information, it would be premature for the Commission to adopt specific performance standards for such updates at this time. Section 9.5(d) of the Commission's VoIP 911 rules, which requires VoIP providers to supply end users with a mechanism for updating their registered location information, does not even become effective until November 28, 2005.[34] It is therefore far too early for the industry or the Commission to know which mechanisms for updating registered location information will work

[31] *VoIP 911 Order* ¶ 46.

[32] *VoIP 911 Order* ¶ 44 n.143.

[33] *VoIP 911 Order* ¶ 59.

[34] *See* E911 Requirements for IP-Enabled Services, 70 Fed. Reg. 37273 (2005) ("compliance with the requirements in § 9.5(b) through (d) is not required until November 28, 2005").

well and which mechanisms will not. Moreover, without any significant real-world operational experience in updating such information, neither the industry nor the Commission will have any meaningful basis to judge what constitutes a "reasonable" interval for effectuating a location update. Rather than imposing performance standards in a vacuum, the Commission, the industry and, most importantly, VoIP consumers would be far better served if the Commission closely monitored the efficacy of VoIP provider update mechanisms for a sufficient period of time (e.g., six to twelve months) to determine whether performance standards are, in fact, necessary.

F. The Commission Should Not Impose Additional Reporting Requirements on VoIP Providers at this Time.

Under section 9.5(f) of the Commission's VoIP 911 rules, VoIP providers are required to submit a letter to the Commission "detailing their compliance" with those rules no later than November 28, 2005.[35] Aside from the compliance reporting required by section 9.5(f), the Commission asks whether it should impose additional reporting requirements on VoIP providers.[36] The Commission specifically asks whether it should require VoIP providers to report on their progress in developing automatic location identification capabilities.[37] Alternatively, the Commission seeks comment on whether there are other ways for it to monitor VoIP 911 implementation without imposing additional reporting requirements.[38]

Because the Commission has already required VoIP providers to report on their compliance with the VoIP 911 rules by November 28, 2005, there is no need for the Commission to impose *additional* reporting requirements for the purpose of ensuring that interconnected VoIP

[35] 47 C.F.R. § 9.5(f).

[36] *VoIP 911 Order* ¶ 60.

[37] *VoIP 911 Order* ¶ 60.

[38] *VoIP 911 Order* ¶ 60.

services are 911 compliant. Indeed, if a VoIP provider is not compliant, the Commission will be so apprised by the provider's letter. Additional compliance reporting requirements would not only be redundant, but would divert a VoIP provider's resources away from the task of actually deploying 911 capability.

To the extent that the Commission is concerned about monitoring industry progress in developing automatic location identification capabilities (as distinct from compliance with its existing rules), there are far more efficient and effective means to gather pertinent information than imposing a blanket, industry-wide reporting requirement. As discussed above, the Commission can sponsor forums, workshops and/or other events at which Commission staff and industry experts can engage in detailed discussions of industry efforts to implement various VoIP 911 solutions.[39] In addition, the Commission can request periodic updates from industry and public safety organizations on progress in the development of automatic location identification technology. Finally, the Commission can task a recognized expert (or team of experts) with preparing a report on automatic location identification technology, similar to the way it did with the Hatfield Report on wireless E911 implementation.[40]

Any or all of these options would allow the Commission to delve much further into the complex issues associated with automatic location identification technology than would an industry-wide reporting requirement. As the Commission has acknowledged, many VoIP providers rely on third parties for their 911 solutions.[41] Consequently, many VoIP providers may not have intimate first-hand knowledge about the development of automatic location

[39] See section II.D. above.

[40] *A Report on Technical and Operational Issues Impacting the Provision of Wireless Enhanced 911 Services*, Dale N. Hatfield (2002).

[41] *VoIP 911 Order* ¶ 38.

identification technology. Therefore, the burdens of a broad reporting requirement imposed on all VoIP providers may significantly outweigh the benefits. Accordingly, at this time, the Commission should not impose additional reporting requirements on VoIP providers, and should instead consider the above-mentioned alternative methods of gathering any further information it deems necessary.

G. The Commission Should Comprehensively Address Matters Related to Privacy and Disability Access in the *IP-Enabled Services* Proceeding.

The Commission observes that its VoIP 911 rules will require VoIP providers to obtain information about their customers' locations and transmit that information to the appropriate PSAP.[42] The Commission asks whether these rules raise any privacy concerns, such that the Commission should adopt privacy requirements for VoIP providers similar to those imposed on wireline and wireless carriers under existing statutes and Commission rules.[43] In a similar vein, the Commission suggests that the advent of VoIP services may have an impact on the ability of people with disabilities to access 911 services.[44] The Commission then seeks comment on whether it should impose any disability access requirements on VoIP providers.

While SBC believes that privacy and disability access for VoIP services are important matters of public policy, we believe the Commission could more appropriately address both of these issues in its pending *IP-Enabled Services* proceeding.[45] Indeed, the Commission has already sought comment and built an extensive record on privacy and disability access issues in

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[42] *VoIP 911 Order* ¶ 62.

[43] *VoIP 911 Order* ¶ 62 n.179 (discussing customer proprietary network information (CPNI) requirements and exceptions).

[44] *VoIP 911 Order* ¶ 63.

[45] *See IP-Enabled Services*, WC Docket No 04-36, Notice of Proposed Rulemaking, FCC 04-28, (released March 10, 2004) (*IP-Enabled Services NPRM*).

that proceeding.[46] Rather than addressing those important issues tangentially in the context of the VoIP 911 rules, the Commission should comprehensively address both privacy and disability access issues for VoIP services in the *IP-Enabled Services* proceeding.

H. Any State Role in Implementing VoIP 911 Must Be Carried Out in a Manner Consistent with the National Regulatory Framework Established by this Commission.

The Commission seeks comment on the role that states should play in helping to implement its VoIP 911 rules.[47] SBC recognizes and applauds the vital role that state and local government entities have traditionally played in making 911 service available to end users. Indeed, without state and local efforts to create and fund PSAPs, there would be no 911 service at all. SBC further commends the Commission for recognizing the important role of the states and creating a Joint Federal-State Task Force on VoIP 911 issues, whose stated purpose is to "develop educational material to ensure that consumers understand their rights and the requirements of the FCC's VoIP E911 Order and rules and how best to expedite compliance and facilitate enforcement, where necessary."[48]

While state and local roles in 911 issues are undoubtedly important, Congress has given the Commission the "leading role" in facilitating the implementation of end-to-end emergency communications services in the United States.[49] Moreover, the Commission has declared that

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[46] *IP-Enabled Services NPRM* ¶¶ 58-60, 71.

[47] *VoIP 911 Order* ¶ 61.

[48] *FCC Announces Joint Federal/State VoIP Enhanced 911 Enforcement Task Force*, FCC News Release (July 25, 2005).

[49] *The Use of N11 Codes and Other Abbreviated Dialing Arrangements*, CC Docket No. 92-105, Fifth Report and Order, 16 FCC Rcd 22,264 ¶ 48 (2001).

VoIP services are inseverably interstate services subject to federal jurisdiction.[50] Thus, it is the Commission's obligation to establish a national regulatory framework for VoIP 911 requirements – an obligation the Commission has already begun to undertake with the issuance of the *VoIP 911 Order*.

In keeping with the Commission's preeminent role for both VoIP and 911, any state involvement in VoIP 911 must be consistent with whatever national policies and rules the Commission adopts. Therefore, while states should continue to play a role in the implementation of 911 service in the new environment of IP-enabled communications, they should not be permitted to adopt 911 requirements for VoIP providers that conflict with federal policies or rules. Allowing a patchwork quilt of inconsistent VoIP 911 requirements to unfold at the state or local level would not only impose unnecessary compliance burdens and costs on VoIP providers, but would also slow the deployment of VoIP services to consumers across the nation. SBC therefore encourages the Commission to reaffirm its leading role on 911 issues and to ensure that 911 requirements are implemented pursuant to a uniform national framework.

I. The Commission Should Stand by Its Decision Not to Regulate the Manner in which ILECs Offer 911 Services to VoIP Providers.

In the *VoIP 911 Order*, the Commission recognized that compliance with its rules would require VoIP providers, either directly or through arrangements with CLECs, to obtain access to trunks and selective routers maintained by ILECs.[51] The Commission declined, however, to *require* ILECs to offer any particular 911 services to VoIP providers. Instead, the Commission stated its expectation that all parties would "work together to develop and deploy VoIP E911

[50] *Vonage Holdings Corporation Petition for Declaratory Ruling Concerning an Order of the Minnesota Public Utilities Commission*, WC Docket No. 03-211, Memorandum Opinion and Order, 19 FCC Rcd 22,404 ¶¶ 23-32 (2004).

[51] *VoIP 911 Order* ¶ 40.

solutions . . . ."[52] While the Commission has shown no signs of retreating from its decision to embrace commercial arrangements, SBC anticipates that some commenters will ask the Commission to revisit this issue and mandate that ILECs offer particular 911 services to VoIP providers. We urge the Commission to reject any such arguments.

Even before the Commission adopted the *VoIP 911 Order*, SBC and other ILECs were already offering a variety of 911 services directly to VoIP providers.[53] For example, in early May 2005, Vonage issued a press release announcing that it had reached an agreement with Verizon "to access elements of the wireless and wireline Enhanced 9-1-1 network to offer its customers E9-1-1 service."[54] Early on the morning of the Commission's May 2005 agenda meeting, Vonage issued another press release asserting that, "as a result of successful negotiations ongoing since April," Vonage had a "good faith agreement" to purchase 911 services from SBC and BellSouth.[55] Vonage remarked that the "ongoing negotiations with SBC and BellSouth have followed the spirit of the FCC's goal to forge commercial agreements, outside of a regulatory mandate, to bridge the VoIP-E9-1-1 gap as quickly as possible."[56] Vonage's CEO went on to describe SBC and BellSouth as "good corporate citizens and stewards of the E9-1-1 public trust," and Vonage expressly commended the CEOs of SBC and BellSouth "for their commitment to this project."[57]

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[52] *VoIP 911 Order* ¶ 40.

[53] *VoIP 911 Order* ¶ 39.

[54] *Vonage Contracts with Verizon for Nomadic VoIP E9-1-1 Service*, Vonage Press Release (May 4, 2005).

[55] *Vonage Agrees with SBC and BellSouth to Purchase Nomadic VoIP E9-1-1*, Vonage Press Release (May 19, 2005).

[56] *Id.*

[57] *Id.*

Now that the *VoIP 911 Order* has been adopted, ILECs, CLECs, and other 911 service vendors have announced a host of service offerings to assist VoIP providers in meeting their 911 obligations.[58] Indeed, SBC and Vonage have recently finalized a commercial agreement under which SBC will provide Vonage with trunking, E911 selective routing, assignment of pseudo-ANI, access to SBC's E911 database management system, and other services to assist Vonage in meeting its E-911 needs. SBC also stands ready to provision 911 services to other VoIP providers well in advance of the November 28, 2005, implementation deadline, provided that we receive service requests in a timely manner.

In light of all the market-driven progress made to date, there is no need for the Commission to impose restrictive regulatory obligations on ILECs to offer 911 services to VoIP providers. In fact, doing so would stifle the ongoing commercial negotiations presently occurring between service providers and could hinder the timely deployment of 911 solutions by VoIP providers. As Commissioner Abernathy aptly observed, the Commission "should work to preserve the diverse business arrangements through which VoIP providers offer E911. . . . These

[58] *See Level 3 Expands Industry-Leading E-911 Platform for Voice Over IP to Assist Customers with FCC Compliance*, Level 3 Press Release (June 27, 2005) ("Level 3 expects its network solution for nomadic VoIP customers to be generally available prior to the FCC's required date."); *Intrado Solution Helps VoIP Providers to Comply with FCC VoIP 9-1-1 Mandate*, Intrado Press Release (June 14, 2005) ("With V9-1-1 Mobility Service, [VoIP service providers] will be able to seamlessly route their subscribers' 9-1-1 calls into the dedicated Wireline E9-1-1 Network in a manner that mirrors a traditional wireline E9-1-1 call."); *Vonage Selects TCS for VoIP E9-1-1 Service*, TCS Press Release (July 18, 2005) ("Under the new agreement, TCS will deliver ALI (Automatic Location Identification) steering, call routing, call center and other services enabling Vonage to meet the new E9-1-1 requirements for interconnected VoIP Service Providers."); *SunRocket First VoIP Company to Connect on E-911*, SunRocket Press Release (May 19, 2005) ("[W]e applaud the efforts of Global Crossing and Broadwing Communications to enable E-911 for SunRocket customers."). *See also Volo Expands its 911 Emergency Service throughout North America*, Volo Communications Press Release (March 21, 2005) ("Volo Communications . . . announced it is the first wholesale Voice over Internet Protocol (VoIP) provider to offer a ubiquitous 911 solution to CLECs, IXCs, cable and wireless operators, ISPs, and resellers throughout North America."); *TCS Introduces "TCS VoIP Verify"; New Service Provides Verification of Emergency Services for Voice-over-Internet Protocol 9-1-1 Calls*, TCS Press Release (June 27, 2005); *VoiceLog Solves VoIP E911 Regulatory Notification Challenge*, VoiceLog Press Release (July 22, 2005); *Pac-West Telecomm Provides E911 Capabilities to VoIP Providers*, Pac-West Press Release (May 16, 2005).

different arrangements help to ensure competition, and thus promote experimentation."[59] SBC fully agrees with these sentiments and encourages the Commission to stand firmly by its original decision to rely on market-based commercial arrangements for the provision of VoIP 911 service.

III. CONCLUSION

SBC supports the *VoIP 911 Order* and the Commission's efforts to ensure that VoIP services are offered with 911 capability. We respectfully ask, however, that the Commission allow sufficient time for its existing VoIP 911 rules to be implemented before deciding whether additional VoIP 911 requirements are necessary.

Respectfully Submitted,

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[59] *Commissioner Abernathy NENA VoIP 911 Remarks* at 3.